SECRETARY OF STATE[721]

Adopted and Filed Emergency

Pursuant to the authority of Iowa Code sections 47.1 and 17A.3, the Secretary of State amends Chapter 21, "Election Forms and Instructions," Iowa Administrative Code.

This amendment is necessary to establish a special election blackout period during redistricting when the statewide voter database is being updated.

Pursuant to Iowa Code section 17A.4(3), the Secretary of State finds that notice and public participation are unnecessary because the blackout period is absolutely necessary to ensure that the statewide voter database is updated by the January 15, 2012, deadline.

Pursuant to Iowa Code section 17A.5(2)"b"(2), the Secretary of State further finds that the normal effective date of this amendment, 35 days after publication, should be waived and this amendment should be made effective upon filing. The normal effective date should be waived because the normal effective date would be later than the first special election blackout date. In addition, this amendment confers a benefit on the voting public by ensuring that voter records are accurately and expeditiously updated.

This amendment was also published in part on June 15, 2011, under Notice of Intended Action in Item 2 of **ARC 9564B** to allow for public comment. No public comments were received regarding Item 2 of **ARC 9564B** prior to November 9, 2011, the date on which this Adopted and Filed Emergency rule making was filed. This amendment has been changed from the one published under Notice of Intended Action on June 15, 2011, to expand the blackout period to include the three Tuesdays following January 15 in years ending in two.

This amendment, which includes the three Tuesdays following January 15 in years ending in two, is also published herein under Notice of Intended Action as **ARC 9894B** to allow an opportunity for public comment.

After analysis and review of this rule making, no impact on jobs has been found.

This amendment is intended to implement Iowa Code chapter 49.

This amendment became effective November 9, 2011.

The following amendment is adopted.

Adopt the following **new** rule 721—21.33(49):

721—21.33(49) Redistricting special election blackout period. A special election shall not be held on the three Tuesdays preceding and following January 15 of years ending in the number two.

This rule is intended to implement Iowa Code chapter 49.

[Filed Emergency 11/9/11, effective 11/9/11]
[Published 11/30/11]
EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 11/30/11.